

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION) MDL NO. 1456
) Civil Action No. 01-12257-PBS
) Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)
)
)
State of Montana v. Abbott Labs., Inc., et al.,)
CA No. 02-CV-12084-PBS)
)

**CORRECTED APPENDIX OF DOCUMENTS IN SUPPORT OF THE
MOTION FOR SUMMARY JUDGMENT OF BAYER CORPORATION**

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Tab Description

- A Affidavit of Jeffrey M. Greenman, Vice President and Compliance Officer for Bayer HealthCare LLC**
- 1 State Settlement Agreement between Bayer and the State of Montana (2001)
 - 2 State Settlement Agreement between Bayer and the State of Montana (2003)
 - 3 Corporate Integrity Agreement Agreement between the Office of the Inspector General of the Department of Health and Human Services and Bayer Corporation (Jan. 23, 2001)
Addendum (April 15, 2003)
Amendment (July 12, 2004)
 - 4 Examples of Bayer's quarterly ASP reports to the State of Montana
 - 5 Copies of the cover letters enclosing each quarterly report and documentation reflecting their delivery to Montana Medicaid
 - 6 Letter from the Drug Pricing Team of the National Association of Medicaid Fraud Control Units ("NAMFCU") (Jan. 29, 2001)
- B Declaration of Terry Tenbrunsel, Vice President of Sales and Marketing for Bayer Corp.'s Biological Products Division**
- C Declaration of Gerald Rosenberg, Senior Vice President Executive Development for Bayer HealthCare**
- D Deposition Testimony (Excerpts)**
- 1 Terry D. Tenbrunsel (Nov. 10, 2005)
 - 2 Montana 30(b)(6) witness Jeff Buska (Dec. 15, 2006)
-Exh. 055, MT 076440-076448
-Exh. 057, MT 076251
 - 3 Raymond Hartman, Ph.D. (Aug. 23, 2006)
- E Additional Materials**
- 1 Objections and Responses to Defendant Bayer Corp.'s First Set of Requests for Admission and Second Set of Interrogatories to the State of Montana (March 31, 2006)
 - 2 Plaintiff's Objections and Responses to Defendant Bayer Corp.'s First Set of Interrogatories and Requests for Production to the State of Montana (March 2, 2006)
 - 3 Office of Inspector General, U.S. Department of Health and Human Services, "Medicaid Rebates for Physician-Administered Drugs." (April 2004)